

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>5/30/08</u>
--

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MARY VOORHEES, : 05 Civ. 350 (SHS)

Plaintiff, :

-against- : ORDER

GLENN GOORD, *ET AL.*, :

Defendants. :

-----X

SIDNEY H. STEIN, U.S. District Judge.

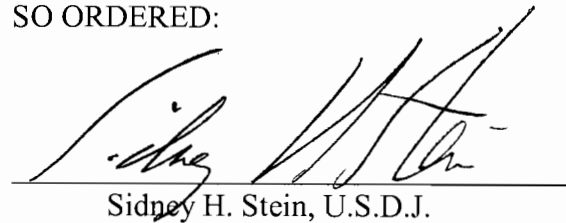
This action was referred to Magistrate Judge Theodore H. Katz for general pretrial supervision and settlement over the remaining portion of this litigation. On April 30, 2008, Judge Katz ordered that defendants submit to him “an affidavit specifically setting forth (a) steps that have been taken to ensure that the water temperatures in the showers is in an appropriate range and will not be scalding, and (b) any tests that have been performed to confirm such temperatures.” The Order also stated that “Plaintiff has agreed that once the assurances required in Paragraph 1 are received, she is amenable to discontinuing this action with prejudice. If Plaintiff wishes to respond to the submission that the Court receives from DOCS officials, she shall do so within seven days of receipt of its submission, and in no event, after May 21, 2008.

Defendants did submit an affidavit of David Casterline dated May 13, 2008, setting forth the information requested and plaintiff has not responded to that submission. Accordingly, in accordance with Magistrate Judge Katz's April 30 Order,

IT IS HEREBY ORDERED that this action is discontinued with prejudice and without costs.

Dated: New York, New York
May 30, 2008

SO ORDERED:



Sidney H. Stein, U.S.D.J.